IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 14924 of 2005

Between:

I. Eswar Reddy, S/o. Late I. Thimma Reddy,
R/o. D.No. 4/523-1, Chinnachowk, Arvinda

Nagar, Bapuji Road, Kadapa Town,

..... PETITIONER

AND

1. The District Collector, Kadapa, Kadapa District.
2. The Commissioner, Kadapa Municipality, Kadapa,
3. The Deputy Director of Survey & Land Records, Kadapa,

Kadapa District,
4. The Mandal Revenue Officer, Kadapa, Kadapa District,
5. The Revenue Divisional Officer, Kadapa, Kadapa District,
6. The Executive Engineer, R & B Department, Kadapa, Kadapa

District,

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in threatening the petitioner to demolish the rooms bearing D.No. 4/616-A, 4/616-B, 4/616-C, 4/616-D, 4/616-E

and 4/616-F, situated at Y.S. Nagar, Nagar R.T.C. Bus Stand, Kadapa Town, which is illegal arbitrary and Un-constitutional and without jurisdiction and violative of Art -14 and 300-A of the Constitution of India and consequently direct the respondents not to demolish the existing structures of the rooms as stated above pending disposal of the writ petition and pass such other or orders.

Counsel for the Petitioner: MR.KADASANISUDERSHAN REDDY

Counsel for the Respondent No.2 & 6: GP FOR MUNCIPAL

ADMN. & URBAN DEV.

Counsel for the Respondent No.1,3 to 5: GP FOR REVENUES

The Court made the following :

ORDER:

The case of the petitioner is that he purchased the land from different owners and constructed rooms bearing D. Nos. 4/616-A to F as per Gram Panchayat Rules, paying house tax and in possession and enjoyment of the same. While so, the 2nd respondent along with their staff, on 5.7.2005 tried to demolish the rooms without giving either notice or following due process of law. Therefore, filed the present writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue and Roads and Buildings.

The issue involved in this writ petition is no more *res integra* in view of the guidelines issued by a Division Bench of this court in *Pilli Lakshmana Rao and others Vs. Executive Officer, Gram Panchayath, Challapalle and others ()*, wherein it is held that when any property is required for public purpose, the authorities straightaway cannot take the law into their hands and jump into the premises and attempt to evict the occupants or dispossess them or demolish their property. Before taking any such action, the authorities concerned shall issue a notice notifying as to the nature of the property, the purpose for which it is required, to whom it belongs and the action proposed calling for explanation or objections, if any, from

the occupants and after considering the said objections or explanation, the authorities shall pass appropriate orders.

Having regard to these guidelines, the respondents are directed to follow the guidelines issued in *Pilli Lakshmana Rao* case, if they intend to demolish the dwelling houses of the petitioners, as averred in the affidavit, if not already demolished.

With these directions, the writ petition stands disposed of. No order as to costs.

Elipe Dharma Rao, J.

July 11, 2005

MAS.

To

1. The District Collector, Kadapa, Kadapa District.
2. The Commissioner, Kadapa Municipality, Kadapa,
3. The Deputy Director of Survey & Land Records, Kadapa,

Kadapa District,
4. The Mandal Revenue Officer, Kadapa, Kadapa District,
5. The Revenue Divisional Officer, Kadapa, Kadapa District,
6. The Executive Engineer, R & B Department, Kadapa, Kadapa

District,

7. Two CCs each to the Govt. Pleader for Municipal Administration

and Urban Development and Revenue, A.P. High Court

Building, Hyderbad.

8. 2 CD copies

9. 1 CC to MR.NEWTON

*Form-NIC-OGS/WP{**VSMI**}*